

REMARKS

Reconsideration of this application, as amended, is requested.

Applicants have elected the species of the targeted colony-forming immunogens of respiratory viruses comprising swine influenza (H1N1,H3N2) as set out in Claims 13 and 44. Claims 1 and 42 have been amended to include the swine influenza viruses noted in Claims 13 and 44. Claims 13 and 44 have been canceled without prejudice in view of the amendments to Claims 1 and 42.

Claims 2 to 4, 6, 11, 12, 14 to 41 and 43 have been canceled as directed to non-elected species.

Claim 1 has also been amended to remove the terms “substantially present”. This amendment overcomes the indefinite rejection of Claim 1 under 35 USC 112.

Claims 1 and 42 have been amended to include the elected respiratory viruses comprising swine influenza (H1N1,H3N2). This amendment overcomes the rejection of Claims 1, 5, 7 to 10, 42 and 45 to 48 under 35 USC 112 as failing to comply with the written description requirement.

Reconsideration of the rejection of Claims 1, 5, 7, 42 and 45 as anticipated by *Tokoro* '895 or *Stolle et al* '018. This prior art does not include disclosures of a microbial adherence inhibitor adherence and method of producing a microbial adherence inhibitor for respiratory viruses comprising swine influenza (H1N1,H3N2). Accordingly, the claims are not anticipated.

Tokoro '895 discloses a method of inhibiting diarrhea in animals with bird antibody IgY using the yolks, albumin and yolks of eggs. This method is related to the use of raw eggs by cattle herdspeople to treat scours diarrhea in cattle caused by intestinal infection. *Tokoro* '895 is directed to a specific antibody containing substance from eggs and method of production and use thereof for the prevention and treatment of colibacillosis and diarrhea in animals. There is no

disclosure in *Tokoro '895* of an IgY immunoglobulin that binds to colony-forming illness-causing immunogens. The antibody containing substance also is used as a nutrition supplement, and as an additive to food animals. *Tokoro '895* does not provide a teaching or a method for reducing or eliminating the incidence of illnesses caused by colony-forming illness-causing immunogens by binding egg IgY immunoglobulins combined with IgM and IgA immunoglobulins to illness-causing immunogens of respiratory viruses comprising swine influenza (H1N1,H3N2) to inhibit the ability of these immunogens to adhere to the respiratory tracts of animals and to reduce the ability of the immunogens to multiply and colonize in the respiratory tracts of animals.

The object of the *Tokoro '895* disclosure is to administer to animals affected by an intestinal infection disease for therapeutic purposes. *Col. 4, lines 1-4*. The *Tokoro '895* substance is also useful in the treatment of various infectious diseases, additives in food for livestock, cosmetics and medicines. *Col. 4, lines 16-21*. Applicants' claimed method is not a treatment of a disease in animals. Applicants' microbial adherence inhibitor and method is the prevention of illnesses in animals and humans. Applicants have discovered a new and useful product and method of preventing, as opposed to treating, respiratory illnesses in animals caused by a colony-forming illness-causing immunogen from the class consisting of swine influenza (H1N1,H3N2). Also, *Tokoro '895* does not coat a dry feed carrier with a mixed egg yolk and albumin product as defined in Claims 7, 10, 45, 47 and 48.

Stolle et al '018 describes a method of passively immunizing a mammal being tolerant to an antibody by virtue of having a history of consumption of antibody containing material derived from the egg of a fowl without causing serum sickness or anaphylactic reactions. The method of passive immunization uses a low antigenic protein formulation of an avian egg yolk antibody and various methods of administration.

Claims 7, 9 and 10 are dependent article claims that include a dry carrier material for the contents of the eggs. The separated antibody-containing contents of the eggs are mixed with the dry carrier material and stored with the dry carrier material. The carrier material dries the antibody containing contents of the eggs and facilitates storage and use of the microbial adherence inhibitor.


Claims 45, 47 and 48 are dependant method claims that include carrier material for the contents of the eggs. The contents of the eggs are mixed with the carrier material. In Claims 47 and 48 the pasteurized antibody-containing contents of the eggs are stored on the dry carrier material.

Ishihara et al discloses feed for animals that improves intestinal functions, feed efficiency and eliminates fecal and urinary malodor. The feed for poultry includes grains such as corn and wheat bran. These are conventional poultry feeds which are digested in the intestinal tract of poultry. Dairy cows consume corn, rye, and wheat bran along with hay and silage. Molasses has been used by dairy herpersons mixed with animal feeds. *Ishihara et al* is a product for the intestinal tracts of animals. It is not a respiratory product. There is no disclosure in *Ishihara et al* of an antibody of respiratory viruses comprising swine influenza (H1N1,H3N2) associated with a dry carrier material as defined in Claims 7, 9, 10, 45, 47 and 48. Allowance of these claims along with Claims 1 and 42 is requested.


In view of the above remarks applicants request the allowance of Claims 1, 5, 7 to 10, 42 and 45 to 48.

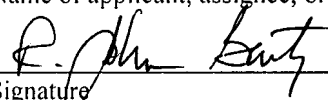
Respectfully submitted,

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